

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:03-cr-00083-MR**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**GREGORY DANIELS,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant’s “Emergency Motion for First Step Act Relief and Request for Expedited Hearing” [Doc. 63] and the Defendant’s “Supplement to Defendant’s Emergency Motion” [Doc. 64].

In July 2020, the Defendant moved for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). [Doc. 46]. For grounds, the Defendant cited his increased susceptibility to serious illness or death from COVID-19 as a result of a number of chronic health conditions. [Id.]. On July 13, 2020, the Court denied the Defendant’s motion, finding that the Defendant’s health conditions, although serious, did not constitute extraordinary and compelling reasons for his early release. [Doc. 47]. Even if the Defendant had demonstrated extraordinary and compelling reasons,

the Court concluded that consideration of the § 3553(a) factors favored his continued incarceration. [Id.]. In January 2022, the Defendant moved for reconsideration of the denial of his compassionate release request, again citing his increased susceptibility to serious illness or death from COVID-19. [Doc. 54]. He further cited his efforts at rehabilitation as grounds for release. [Id.]. The Court denied the Defendant's Motion for Reconsideration on January 26, 2022. [Doc. 56]. Thereafter, the Defendant filed a Notice of Appeal to the Court of Appeals for the Fourth Circuit. [Doc. 58]. That appeal remains pending.

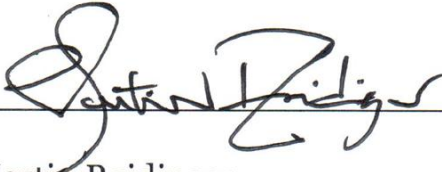
The Defendant now moves this Court again to reduce his sentence due to "extraordinary and compelling reasons." [Doc. 63]. For grounds, he cites his susceptibility to COVID-19 and his efforts at rehabilitation, and further argues that his original sentence was unduly severe. [Id.].

Because the Defendant's appeal of the Order denying his prior compassionate release request remains pending before the Court of Appeals, this Court lacks jurisdiction to entertain his present request. See Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (stating that "[t]he filing of a notice of appeal ... confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal").

**IT IS, THEREFORE, ORDERED** that the Defendant's "Emergency Motion for First Step Act Relief and Request for Expedited Hearing" [Doc. 63], as supplemented [Doc. 64], is **DENIED**.

**IT IS SO ORDERED.**

Signed: June 27, 2022

  
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Martin Reidinger  
Chief United States District Judge

